

CALENDAR
for
REGULAR MEETING OF THE COUNCIL
of the
CITY OF LONG BEACH
held
FEBRUARY 4, 2020

1. Resolution Authorizing the Acting City Manager to Purchase Two Gillig Low Floor Diesel Buses.

Legislative Memo: These two new buses are replacing two buses that were completely destroyed during Superstorm Sandy.

2. Resolution Authorizing the Acting City Manager to Purchase Miscellaneous General Hardware Items on an “As Needed” Basis.

Legislative Memo: This item provides the City with the ability to make purchases “as needed” during the course of performing daily jobs, which require no delivery and are limited to “pick-up” at the supplier’s place of business, located in close proximity to City buildings and facilities.

3. Resolution Authorizing the Acting City Manager to Purchase Various Chemicals on an “As Needed Basis” for the Water Purification Plant from the Lowest Responsible Bidders.

Legislative Memo: This item is rebid annually to afford the City the ability to purchase these needed chemicals at the lowest prices available.

4. Resolution Authorizing Publication for Hearing of a Local Law Amending and Revising the Charter of the City of Long Beach Re: City Manager.

5. Resolution Authorizing Publication for Hearing of an Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: City Manager.

February 4, 2020

Item No. 1
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the Acting City Manager to Purchase
Two Gillig Low Floor Diesel Buses.

WHEREAS, the City of Long Beach Department of Transportation is in need of two (2) buses at this time to replace two that were destroyed by Superstorm Sandy, in accordance with the 5324 Federal Transportation Program; and

WHEREAS, the City's Department of Transportation has received approval from the Federal Transit Administration to make this purchase at this time; and

WHEREAS, the City of Long Beach, piggy-backing off the State of Connecticut DOT contract, can purchase eco-friendly fuel efficient Gillig 29.95 ft. Low Floor Diesel buses at favorable specified prices obtained by the State of Connecticut;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the Acting City Manager be and he hereby is authorized to purchase two (2) eco-friendly fuel efficient Gillig 29.95ft. Low Floor Diesel Buses with specified options at a cost of \$552,952.00 each, for a total cost of \$1,105,904.00 from Gillig Corporation, 451 Discovery Drive, Livermore, California 94551. Funds in the amount of \$968,000 are available in Account No. H1018.52005 (Purchase Transit Buses) and funds in the amount of \$50,000 will become available in Account No. H1020.52005 (Purchase Transit Buses) upon delivery of the buses in approximately 18 months, when funds will be needed to complete the payment. Funds will subsequently be reimbursed to the City and utilized to pay back the debt as follows: \$932,644.00 will be provided to the City through a 5324 Federal Transportation Grant (Sandy Recovery Grant); FTA funds in the amount of \$55,407.00 will be provided through a 5307 Federal Transportation Grant along with a State portion of \$6,926.00; and the total cost to the City after receipt of all grant monies will be \$110,927.00.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the Acting City Manager to Purchase
Miscellaneous General Hardware Items on an “As Needed” Basis.

WHEREAS, after due advertisement therefore, two bids were received in the Office of the City Purchasing Agent on Thursday, January 30, 2020 at 11:00 for the purchase of miscellaneous general hardware items on an “as needed” basis, for single purchases below \$1,000; and

WHEREAS, this resolution is not meant to eliminate other vendors that also provide hardware items presently for the City, as it provides the City with the ability to make purchases “as needed” during the course of performing daily jobs, which require no delivery and are limited to “pick-up” at the supplier’s place of business, located in close proximity to City buildings and facilities as specified in the bid document; and

WHEREAS, the City may make multiple awards for this service and it is in the City’s best interest to award this service to the following three vendors:

1. Centre Millwork & Supply Co., Inc., 669 Long Beach Boulevard, Long Beach, New York 11561, will give the City a 10% discount at store level; and
2. Whitbread’s & Sons Lumber Co. of Long Beach, Inc., 600 Magnolia Boulevard, Long Beach, New York 11561, will give the City a 5% discount at store level and a 10% discount from Midwest Fasteners, Reiss Wholesale Hardware and Pacoa catalogs at a 10% discount ; and
3. Bellmore Home Center, Inc. d/b/a Costello’s Ace Hardware, 3965 Long Beach Road, Island Park, New York 11558, will give the City a 20% discount at store level and 20% off regular retail pricing at acehardware.com and their printed catalog;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the Acting City Manager be and he hereby is authorized to purchase miscellaneous general hardware items on an “as needed” basis from Centre Millwork & Supply Co., Inc., 669 Long Beach Boulevard, Long Beach, New York 11561, Whitbread’s & Sons Lumber Co. of Long Beach, Inc., 600 Magnolia Boulevard, Long Beach, New York 11561 and Bellmore Home Center, Inc. d/b/a Costello’s Ace Hardware, 3965 Long Beach Road, Island Park, New York 11558 for a period of one year, with the option for two additional one year renewals. Funds are available on an “as needed” basis in all City-wide accounts for Supplies and Materials (54410) and Maintenance Supplies (54412) within the limits of the various annual department budgets.

February 4, 2020

Item No. 3
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the Acting City Manager to Purchase
Various Chemicals on an “As Needed Basis” for the
Water Purification Plant from the Lowest Responsible Bidders.

WHEREAS, after due advertising therefore, bids were received in the Office of the City Purchasing Agent on Thursday, January 30, 2020 at 11:30 a.m. for the purchase of various chemicals on an “as needed basis” for the Water Purification Plant and the following named firms were the lowest responsible bidders in each instance;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the Acting City Manager be and he hereby is authorized to purchase from the following lowest responsible bidders in accordance with specifications on file in the Office of the City Purchasing Agent, on an “as needed” basis as follows, for a period of one (1) year:

- Item 1. Aluminum Sulfate Liquid – Thatcher Company of New York, Inc., 1905 Fortune Road, Salt Lake City, Utah 84104, at a bid price of \$1.059 per gallon; and
- Item 2. Hydrated Lime Bulk – Carmeuse Lime, Inc., 11 Stanwix Street, Pittsburgh, PA 15222 at a bid price of \$210.00 per ton. Approximately \$25,000 is available for the remainder of fiscal year 2020 and approximately 64,000 should be made available in fiscal year 2021 in Account No. F8330.54416 (Water Purification – Chemicals).

February 4, 2020

Item No. 4
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing Publication for Hearing of a Local Law
Amending and Revising the Charter of the City of Long Beach
Re: City Manager.

WHEREAS, there has been presented to this Council the following proposed
Local Law:

“A LOCAL LAW

AMENDING AND REVISING THE CHARTER OF THE
CITY OF LONG BEACH RE: CITY MANAGER”.

(See Local Law Attached)

NOW, THEREFORE, be it

RESOLVED, that a public hearing shall be had before this Council at City Hall, 1
West Chester Street, Long Beach, New York, concerning the aforesaid Local Law, on February
18, 2020 at 7:00 p.m.; and be it further

RESOLVED, that the City Clerk be and hereby is authorized and directed to
cause a notice of said hearing to be published in the official newspaper of the City of Long
Beach, containing the title of such proposed Local Law and an explanatory statement thereof.

Introductory No. 357
Introduced by:

CITY OF LONG BEACH

CHAPTER I LAWS OF 2020

A LOCAL LAW

AMENDING AND REVISING THE CHARTER OF THE CITY OF
LONG BEACH RE: CITY MANAGER.

BE IT ENACTED, by the City Council of the City of Long Beach, New York as follows:

Sec. 1. Article 2, Sections 11, 15-a, 20; Article 3, Sections 20, 29, 30; Article 4, Sections 44, 45, 48, 49, 51, 52, 53, 54, 58, 59, 60, 61, 62, 63; Article 6, Section 103-g; Article 9, Section 131, 132; Article 9A, Section 140; Article 10, Section 160, Article 11, Section 171, 172, 173, 174; Article 12, Section 191, 194; Article 13, Section 256A, 256A(4), 264; Article 15, Sections 296, 298 and Article 17, Section 330 of the Charter of the City of Long Beach, New York as set forth in Chapter 635 of the Laws of 1922, as heretofore amended, shall be and the same are hereby amended and/or repealed, rescinded and revoked, to read as follows:

“CHARTER AND RELATED LAWS
Article 2. CITY OFFICERS

Sec. 11. Appointive city officers enumerated; by whom appointed; their term of office.

The appointive officers of the City of Long Beach **who are subordinate to the City Council**, shall be a city manager, a city treasurer, a corporation counsel, a city comptroller, one fire commissioner, a tax assessor and two (2) associate tax assessors, a city clerk, a commissioner of public works, and one or more deputy commissioners of public works who may also be superintendent of public works, a building commissioner, a police commissioner, one commissioner of public safety, one or more city marshals, a city engineer, one or more superintendents of departments, three (3) members of a civil service commission, as many commissioners of deeds as may be deemed necessary by the **City Council**, and such other appointive officers as such be established by law, local law, or ordinance. *[All of such officers except the City Manager shall be appointed by the City Manager.]* **The city manager shall be appointed by the City Council. All other officers shall be appointed by the City Council. The city manager may be consulted by the City Council regarding proposed appointments to officer positions but the same shall not be a prerequisite to appointment of persons to officer positions by the City Council. The City Council shall have the authority to appoint acting officers, including an acting city manager when a vacancy occurs in an officer position.**

[The City Manager shall be appointed by the council.] The council may provide for the holding of two (2) or more such offices by the same person, except that no member of the civil service commission or member of a city planning commission may hold any other office under the city government for which a salary may be paid. Any appointed official or employee may perform duties in one or more departments as the **City Council** may designate. *[Any officer or employee appointed as herein provided, except the City Manager, may be removed by the City Manager, except as otherwise provided by law, and the City Manager shall appoint his/her successor. The City Manager shall be removable by the council as provided in section twenty.]* **Any officer or employee appointed as herein provided may be removed by the City Council, except as otherwise provided by law, and the City Council shall appoint his/her successor as hereinbefore provided. The city manager may be removed by the City Council as provided in section twenty.** The head of each department, and each other officer appointed by the *[City Manager]* **City Council** as the single head of an office, shall appoint his/her subordinates with the approval of the *[City Manager]* **City Council**. *[The City Manager may appoint a chief of police and the chief of police shall appoint, with the approval of the City Manager, as many regular and special patrolmen as the council determines to be necessary for the proper protection of the City of Long Beach. All appointive officers shall serve for an indefinite term except as otherwise provided by state law.]* **The City Council may appoint a police commissioner and the police commissioner shall appoint, with the approval of the City Council, as many regular and special patrolmen as the City Council determines to be necessary for the proper protection of the City of Long Beach.**

The *[City Manager]* City Council may appoint a commissioner of public safety and as many subordinate employees and officers as the City Council may determine to be necessary for the proper protection of the City of Long Beach. *[All appointive officers shall serve for an indefinite term except as otherwise provided by state law.]* All appointive officers shall serve at the pleasure of the City Council for an indefinite term except as otherwise provided by state law.

The City Manager, **with the approval of the City Council**, may combine two (2) or more of the city departments as are charged with the preservation of the public health, safety and welfare, and place them under the jurisdiction of the commissioner of public safety whose duty it shall be to supervise and administer said departments.”

...

“ARTICLE 2. CITY OFFICERS

Section 15-a. Defense and indemnification of city officers and employees.

C. Intent; definitions; defense and indemnification; conditions; limitations.

(3) *City to provide for defense of employees.*

(a) If an employee complies with the provisions of Subsection C(5) of this section, the City, through the office of the Corporation Counsel, or through any applicable insurance program maintained by the City, shall provide for the defense of the employee in any civil action or

proceeding in any state or federal court, or any proceeding before an administrative agency, arising out of any alleged act or omission which occurred or is alleged to have occurred while the employee was acting within the scope of his or her public employment or duties. For purposes of this section, the determination of whether an employee was acting within the scope of his or her employment will be made by the *[City Manager]* **City Council**, upon the advice of the Corporation Counsel, consistent with then prevailing law. Notwithstanding the above, no act can be so determined to be within the scope of employment if the commission of such act resulted in a conviction of a Class A misdemeanor or higher crime under the New York State Penal Law or similar federal crime under Title 18 of the United States Code. This duty to provide for a defense shall not arise where such action or proceeding is brought by or on behalf of the City against such employee.

...

(4) City to provide for indemnification of employees.

(a) If an employee complies with the provisions of Subsection C(5) of this section, the City shall indemnify and save harmless the employee in the amount of any final judgment, order or decision obtained against such employee in any civil action or proceeding in any state or federal court, or any proceeding before an administrative agency, or in the amount of any City approved settlement of any such action or proceeding, arising out of any alleged act or omission which occurred or is alleged to have occurred while the employee was acting within the scope of his or her public employment. For purposes of this section, the determination of whether an employee was acting within the scope of his or her public employment will be made by the *[City Manager]* **City Council**, upon the advice of the Corporation Counsel, consistent with then prevailing law. Notwithstanding the above, no act can be so determined to be within the scope of employment if the commission of such act resulted in a conviction of a Class A misdemeanor or higher crime under the New York State Penal Law or similar federal crime under Title 18 of the United States Code. This duty to indemnify shall not arise where such action or proceeding is brought by or on behalf of the City against such employee.

...

(d) Upon the entry or finalization of such judgment, order or decision against the employee, or upon the settlement of the action or proceeding, the employee shall cause a copy of such judgment, order, decision or approved settlement to be served personally, or by certified or registered mail, within thirty (30) days of the date of entry, finalization or settlement, upon the Corporation Counsel. If such judgment, order, decision or settlement is not inconsistent with the provisions of this section, the *[City Manager]* **City Council**, upon the advice of the Corporation Counsel, shall certify it for payment.

(5) Conditions.

...

(b) Consistent with this section, the determination as to whether the City will defend and/or indemnify the employee will be based upon an investigation of the facts and circumstances of the matter. The *[City Manager]* **City Council**, in accordance with this section, shall make this determination within a reasonable time after the completion of such investigation. Such determination shall be final, except as provided below.”

“ARTICLE 3. CITY OFFICERS; THEIR GENERAL POWERS AND DUTIES**Sec. 20. City manager.**

1. *[The City Manager shall be the chief executive officer of the city. Though his official title shall be City Manager and that [sic] mayor, he shall be the mayor of the city and shall have and exercise all powers conferred upon the mayor by this act or by the general statutes of the state not inconsistent with this act.]* **The city manager is subordinate to, and reports to, the City Council and shall be the Senior Executive running the day to day operations of the city.** It shall be his/**her** duty to see that the laws of his/her state and the local laws, ordinances and by-laws passed by the **City** Council are faithfully executed within the city. He/**she** shall sign, on behalf of the city, all contracts made by it, and cause the seal of the city to be affixed thereto. He/**she** shall have power and authority to call out and command the police and firemen of the city whenever in his/**her** discretion he/she shall deem it necessary, and such command shall be in all respects obeyed. Whenever necessary for the prevention or suppression of public disturbances, mobs or riots, it shall be his/**her** duty to take such action as is authorized by the laws of the state. It shall be his/**her** duty to exercise a constant supervision and oversight over the conduct of all city officers, departments, boards and commissions, and he/she shall have power and authority to examine at all times the books, vouchers and papers of any officer or employee of said city, and to take and hear testimony and proof in pursuance of sections three hundred fifty-seven to three hundred sixty-five inclusive and four hundred three to four hundred fourteen inclusive of the Civil Practice Act. It shall be the duty of the city manager to communicate to the **City** Council as soon after the first of each year as practicable a complete report on the finances and administrative activities of the city for the preceding year, and as often thereafter *[as he may deem expedient, or]* as the City Council may request, to communicate to the **City** Council a statement as to the affairs of the city in relation to its finances, government or improvement, with such recommendations as he/**she** may deem proper. The city manager, in addition to such other powers as may by law and this act be conferred upon him/her, shall have power to supervise all public utilities owned by the city and to exercise a general supervision over all public affairs of the city not otherwise provided for herein. He/she shall have such other rights and powers as may be provided by local law or ordinance not in conflict with this charter. He/**she** shall have the right to attend all meetings of the **City** Council and to speak on all questions coming before the **City** Council—but without vote. He/**she** shall have no veto power over the acts of the City Council and shall have no other legislative powers or duties. *[With the approval of the council he may fill any appointive administrative office in the city government instead of making a separate appointment thereto.]*
2. The city manager shall be appointed by vote of a majority of all the *[councilpersons]* **members of the City Council** for an indefinite term. He/she shall be chosen solely on the basis of his/her executive and administrative qualifications with special reference to his/her actual experience in, or his/her knowledge of, accepted practice in respect to the duties of his/her office as herein set forth. During his/her term of office

he/she shall reside within the City of Long Beach within ninety (90) days of his/her appointment.

3. The city manager may be removed, **or suspended from his/her duties pending termination** by a majority vote of all the *[councilmen]* **members of the City Council** at any time for any reason or reasons the **City Council** may deem sufficient. Before making such action final, the **City Council** shall notify the city manager of its intention to remove him/**her** and shall give him/**her** *[a statement of reasons and notice of]* thirty **(30)** days **of notice of termination** during which time he/**she** shall continue to receive his/**her** salary **and benefits** but may be suspended from the performance of his/her duties. *[If the City Manager shall so request within ten days after such notice, he shall be given a public hearing before the council upon public notice of at least five days and in such case his removal shall not be voted on finally until a meeting of the council occurring after the day on which the public hearing is held.]*
 - (a) Notwithstanding any provision of this Charter or any ordinance, the City Council may enter into a written employment agreement with the city manager for a term not to exceed *[three]* **two** years and upon such terms and conditions as the City Council shall agree.
4. To perform the duties of the city manager and to exercise his/**her** powers during any time when the city manager may be temporarily absent or incapacitated for serving, the *[City Manager]* **City Council** may *[designate by a letter filed with the city clerk another qualified administrative officer of the city. If the city manager fails to make such a designation, the council may]* appoint an administrative officer of the city to serve in such capacity for the duration of the absence or disability. The **City Council** may likewise designate an administrative officer of the city to serve temporarily as acting city manager during any time when the city manager is under suspension or when the office is vacant.
5. The city manager shall have the power to authorize attendance of any city officer or employee, as the case may be, to attend an official or unofficial convention or conference of municipal officers or employees, or to attend any school conducted for the betterment of municipal government if believed to be of benefit to the city.
6. The city manager, at each regular meeting of the **City Council**, shall make a report to the **City Council** and to the public, covering all personnel changes made in the period since the last regular meeting of the **City Council**, and such report shall include any changes made relating to the hiring, promotion, demotion, transfer or termination of any personnel in the employ of the city, whether salaried or unsalaried, including members of boards or commissions.
7. The city manager shall have the power and authority to convert, in any calendar year, up to one per cent of all unclaimed abandoned vehicles not affected by subdivision 2

of Section 1224 of the Vehicle and Traffic Law of the State of New York, or two (2) such vehicles, whichever is greater, to the city's own use.”

...

“ARTICLE 3. CITY OFFICERS; THEIR GENERAL POWERS AND DUTIES

Sec. 29. Office of consumer protection.

A. [*Created.*] There shall be an office of consumer protection, the head of which shall be the director of consumer protection, who shall be appointed by the [*City Manager*] **City Council**.”

...

“ARTICLE 3. CITY OFFICERS; THEIR GENERAL POWERS AND DUTIES

Sec. 30. Office for seniors.

A. [*Created.*] There shall be an office for seniors, the head of which shall be the director of office for seniors, who shall be appointed by the [*City Manager*] **City Council**, and [who shall] serve at the pleasure of the **City Council**.”

...

“ARTICLE 4. POLICE DEPARTMENT

Sec. 44. [*Mayor as commissioner*] Commissioner of Police.

The [*mayor shall be*] **City Council may appoint** the commissioner of police of the City of Long Beach who shall have charge of the police **department and shall serve at the pleasure of the City Council.**”

...

“ARTICLE 4. POLICE DEPARTMENT

Sec. 45. Appointment of additional officers.

The [*City Manager*] **City Council** may appoint such clerks and assistants as may be necessary. The [*City Manager*] **City Council** may designate a harbor master, a sealer of weights and measures, and such other officers as may be required.”

...

Section 48 of Article 4, is hereby **repealed, rescinded and revoked** from the Charter of the City of Long Beach:

“ARTICLE 4. POLICE DEPARTMENT

[Sec. 48. Appointment of commissioner of police.

The Mayor may, with the approval of the council, and when in the opinion of the mayor the growth of the city justifies his act, appoint a commissioner or police who shall have all the powers and assume all the responsibilities of the mayor while acting as commissioner of police as provided in this act.]”

...

“ARTICLE 4. POLICE DEPARTMENT

Sec. 49. Deputy commissioner.

The *[mayor may, with the approval of the council]* **City Council** may appoint a deputy commissioner of police during the sickness, absence or other temporary inability of the *[mayor]* **commissioner of police** to perform the duties of his office. The deputy commissioner shall perform the duties and have the powers of the *[mayor]* **commissioner of police** relating thereto, except that the deputy commissioner shall not have the authority to change any general rule or regulation or to make appointments or dismiss any member of the department.”

...

“ARTICLE 4. POLICE DEPARTMENT

Sec. 51. Patrolmen of other departments.

The *[mayor]* **City Council** may appoint persons in the employment of the city in other departments as special policemen or patrolmen. Such policemen shall possess the same powers as the regular patrolmen, except when otherwise restricted by direction of the City Council; obey the rules and regulations of the *[mayor]* **City Council** and conform to the general discipline of the department.”

...

“ARTICLE 4. POLICE DEPARTMENT

Sec. 52. Privately employed patrolmen.

The *[mayor]* **City Council** may, on application of any person or persons showing the necessity therefor, appoint and swear in any number of additional patrolmen at the charge and expense of the person or persons by whom the application shall be made, to do duty at any place designated in the application or by the *[mayor]* **City Council**. Such patrolmen shall hold office at the pleasure of the *[mayor]* **City Council** subject to the rules and regulations of the department, and shall conform to the general discipline of the force and such regulations as shall be made for their government and may be removed at any time by the *[mayor]* **City Council** without cause assigned therefor. They shall wear such dress and emblems as the *[mayor]* **City Council** shall prescribe and shall possess, as conservators of the peace, all the powers and privileges and perform all the duties of the force herein prescribed. No such patrolman shall be appointed until he/**she** shall have paid to the *[mayor]* **City Council** the sum of five dollars to be

credited to the policemen's retirement fund, if any such fund be established, otherwise to a fund which shall be maintained for injured policemen or their families, and the appointment may be renewed annually upon the payment of a like sum.”

...

“ARTICLE 4. POLICE DEPARTMENT

Sec. 53. Special patrolmen.

The [*City Manager*] **City Council** may, in case of emergency, riot, pestilence, invasion, or during any day of public election or celebration, or during the summer season, appoint for a specified time as many special patrolmen as it may deem advisable. During the terms of service such special patrolmen shall possess all the powers and privileges and perform all the duties of patrolmen herein prescribed and shall receive such compensation as may be fixed by the **City Council**.”

...

“ARTICLE 4. POLICE DEPARTMENT

Sec. 54. Oath of office.

The [*mayor*] **commissioner of police** shall require each member of the force to take the constitutional oath of office, and provide for the registry of a certificate thereof in a book to be kept for that purpose, which oath may be taken before said [*mayor*] **commissioner of police** or the [*deputy clerk*] **City Clerk**, who are hereby empowered to administer oaths.”

...

“ARTICLE 4. POLICE DEPARTMENT

Sec. 58. Duties of policemen at polls on election day.

Nothing herein shall give the [*mayor*] **commissioner of police** or any patrolman power to do anything in conflict with the powers of inspectors of election. Policemen stationed at the polls on election days shall perform all the duties and be subject to all provisions of law relating to their attendance or to the attendance of constables at the polls on election days.”

...

“ARTICLE 4. POLICE DEPARTMENT

Sec. 59. Arrests.

In every case of arrest, the commanding officer on duty in the precinct wherein such arrest is made shall as soon as practicable make written return thereof according to the rules and regulations of the department. The [*mayor*] **commissioner of police** shall provide suitable accommodations for the detention and care of persons arrested for offenses. He/**she** shall also provide accommodations for the detention of witnesses who are unable to furnish security for their appearance in criminal proceedings and such accommodations shall be in places other than those for the confinement of persons charged with crime, fraud or disorderly conduct.”

“ARTICLE 4. POLICE DEPARTMENT

Sec. 60. Monthly financial report.

The *[mayor]* **commissioner of police** shall on the last day of each month cause to be filed with the treasurer a report giving the date of collection or receipt of all money collected or received by the department, and shall daily pay into the city treasury all moneys so collected or received.”

...

“ARTICLE 4. POLICE DEPARTMENT

Sec. 61. Application of funds.

All moneys paid into the city treasury by the *[mayor acting as police commissioner]* **commissioner of police**, except such moneys as are herein required to be credited to the police pension and retirement fund, shall apply exclusively on the payment of all expenses incurred by the department.”

...

“ARTICLE 4. POLICE DEPARTMENT

Sec. 62. Annual report.

The *[mayor acting as commissioner]* **commissioner of police** shall, on or before the fifteenth day of January in each year, make a written report to the **City Council** of the work of the department during the previous year. The report shall be certified by the *[mayor]* **City Manager**, entered of record by the city clerk and published in such manner as the **City Council** may direct. The *[mayor or deputy commissioner]* **commissioner of police** shall also make such other reports as the **City Council** may from time to time require.”

...

“ARTICLE 4. POLICE DEPARTMENT

Sec. 63. Complaints.

The *[mayor]* **commissioner of police** shall promptly investigate and *[make]* report to the bureau of complaints concerning all complaints referred by such bureau to the *[mayor]* **commissioner of police** relative to the administration of the department.”

...

“ARTICLE 6. ASSESSMENT; LEVY; COLLECTION OF TAXES

Sec. 103-g. Designation of the Hearing Officer.

The *[City Manager]* **City Council** shall designate a hearing officer to hear petitions pursuant to these regulations.”

“ARTICLE 9. DEPARTMENT OF CITY PLANNING AND DEVELOPMENT

Sec. 131. Department of city planning and development; director of planning.

There shall be a department of city planning and development, the head of which shall be the director of planning and development, who shall be appointed by and serve at the pleasure of the *City Manager*] **City Council**. Such director shall be a person experienced in planning and planning administration and techniques, and shall meet minimum qualifications of professional and administrative education and experience.”

...

“ARTICLE 9. DEPARTMENT OF CITY PLANNING AND DEVELOPMENT

Sec. 132. Rules; employees.

The director of planning shall adopt rules of procedure for the conduct of the department, subject to the approval of the *[City Manager]* **City Council**. Within the limits of the appropriation made by the *[common council]* **City Council** of the City of Long Beach, *[he]* **the director of planning** shall, with prior approval of the *[City Manager]* **City Council**, employ such city planners, engineers, architects, assistants and clerical help as may be necessary in the performance of the duties of such department, and shall utilize the services of any department, or employees, as designated by the *[City Manager]* **City Council** to aid and assist in the performance of the duties of the department.”

...

“ARTICLE 9A. ZONING BOARD OF APPEALS

Sec. 140. Established, composition, compensation of members; appointments; term of office.

A Zoning Board of Appeals consisting of seven (7) members shall be appointed by the *[City Manager]* **City Council**, and shall receive such salary as is fixed by the City Council. The *[City Manager]* **City Council** shall initially appoint two (2) members of said Zoning Board of Appeals for a term of one (1) year, two (2) members for a term of two (2) years, and three (3) members for a term of three (3) years. The term of office of all the successors of such members shall be three (3) years. An appointment to a vacancy occurring prior to the expiration of a member's term shall be for the remainder of the unexpired term. *[Appointments made to by the City Manager to the Zoning Board of Appeals must be confirmed by a majority vote of the City Council.]*”

...

“ARTICLE 10. FIRE DEPARTMENT

Sec. 160. Fire commissioners.

The *[City Manager]* **City Council** may appoint a fire commissioner and a deputy fire commissioner. The board of fire commissioners shall be composed of a fire commissioner, a deputy fire commissioner, a member of the City Council designated by the City Council, the chief of the Long Beach Volunteer Fire Department, and the *[captain]* **senior officer** in charge of the paid department. The fire commissioner shall be the chairman of the fire board.”

“ARTICLE 11. DEPARTMENT OF PUBLIC WORKS

Sec. 171. *[Mayor; acting commissioner]* Commissioner of Public Works.

The *[mayor shall be the commissioner]* **City Council** shall appoint the commissioner of public works, with all the powers and duties of such office, as herein provided, and as provided by the laws of the state, *[until the council determines, as hereinafter provided, that a commissioner shall be appointed by the mayor]* **and shall serve at the pleasure of the City Council.”**

...

“ARTICLE 11. DEPARTMENT OF PUBLIC WORKS

Sec. 172. Deputy commissioner.

The *[mayor]* **City Council** shall appoint a deputy commissioner of public works at a salary to be fixed by **the City Council.**”

...

Section 173 of Article 11, is hereby **repealed, rescinded and revoked** from the Charter of the City of Long Beach:

“ARTICLE 11. DEPARTMENT OF PUBLIC WORKS

[Sec. 173. When commissioner shall be appointed.

When the population of the city and the duties of the department justify, in the opinion of the council, the appointment of a commissioner of public works, other than the mayor, who will devote his entire time to the duties of the office, the council may, by resolution passed unanimously, at a regular meeting, or at a special meeting called for that purpose, at which all members are present, authorize the appointment of a separate commissioner of public works. Upon the passage of such resolution the mayor shall appoint a commissioner of public works, who shall have all the powers and duties herein provided or which may be provided by law. The compensation of such commissioner shall be fixed by the council.]”

...

“ARTICLE 11. DEPARTMENT OF PUBLIC WORKS

Sec. 174. Qualifications; term of office; vacancies; compensation.

No person shall be eligible to appointment as such commissioner of public works who is not a citizen of the United States. The commissioner may be removed by the *[City Manager]* **City Council** at any time without cause assigned. The compensation of the commissioner shall be fixed by the **City Council**. The commissioner shall appoint, subject to the approval of the *[City Manager]* **City Council**, such deputies, clerks and assistants as may be necessary and authorized by the **City Council**. The city engineer shall, under the supervision of the commissioner, or, if *[he himself]* **he/she himself** is the commissioner, under the supervision of the city manager, have charge of and do all the civil engineering for the department of public works. The commissioner shall prescribe the duties of such deputies, clerks and other assistants.”

...

“ARTICLE 12. CITY COURT

Sec. 191. Acting city judge.

The *[City Manager]* **City Council** shall appoint an acting city judge for a term of two (2) years, beginning on the first day of January in an even-numbered year and expiring on the last day of December of the next succeeding odd-numbered year. The person appointed must be eligible to the office of city judge, and shall take, subscribe and file with the city clerk the constitutional oath of office before entering upon his duties. Any vacancy which may occur during the term of the acting city judge shall be filled by appointment by the *[City Manager]* **City Council** for the remainder of the unexpired term.”

...

“ARTICLE 12. CITY COURT

Sec. 194. City court clerk.

[If authorized by the council] There may be a clerk of the city court to be appointed by the *[mayor]* **City Council**. Such clerk shall perform such duties and have such powers as the city judge may prescribe in addition to those hereinafter enumerated. Such clerk may be the stenographer of the court or he/she may hold any other office in the city designated by the **City Council**. He/**she** may have power to issue a summons, subpoena and any other process issuable as a matter of course and not requiring an application upon affidavit or petition and to make an entry thereof in the judge's docket. He/she shall have power to certify copies of papers and documents filed with the city court or city judge, and records and minutes of such court or judge, and transcripts from the judge's docket with the same force and effect as if certified by the city judge. He/**she** shall be the custodian of such papers and records of the city court or city judge as the city judge may place in his/her charge. He/**she** may adjourn to a certain day and hour the proceedings upon a process or mandate returned in the absence of the city judge and acting city judge, or in their absence any other matter properly before the court for a hearing.”

...

“ARTICLE 13. MISCELLANEOUS PROVISIONS

Sec. 256A. Inspection and repair of sidewalk by [the] city.

- (a) Whenever the owner or occupant of lands fronting or abutting on any street, highway, traveled road, public lane, alley or square, shall omit to make, maintain and repair the sidewalk, curbstone and gutter adjoining his land, within ten (10) days after notice of failure so to do to the person, firm or corporation appearing on the assessment roll as the owner thereof, at the address appearing on the assessment roll, *[the City Manager, as]* the commissioner of public works, shall cause the same to be made, maintained and repaired.
- (b) The sum of five thousand dollars (\$5,000.00) is hereby transferred from unappropriated surplus account to the sidewalk repair fund.
- (c) The *[City Manager, as]* commissioner of public works, shall certify to the treasurer the cost of making, maintaining and repairing the sidewalk, curbstone and gutter adjoining each such lot or parcel of land, in each case where the said city manager shall have caused the same to be made after the failure of the owner or occupant thereof to comply with the notice referred to herein.

- (d) Upon the receipt of the certification of such cost, the treasurer shall assess and enter as a lien against such property the certified cost thereof and shall, within ten (10) days after the entry of such assessment of lien, send notice thereof and demand for payment thereof to the person, firm or corporation appearing on the assessment roll as the owner thereof. If such lien shall not be paid within forty (40) days after the entry thereof, interest shall be payable thereon from the date of such lien at the rate of one percentum per month or fraction thereof.
- (e) All payments received by the treasurer for and on account of the cost of making, maintaining and repairing sidewalks, curbstones and gutters in accordance with the foregoing, shall be credited to the sidewalk repair fund.”

...

“ARTICLE 13. MISCELLANEOUS PROVISIONS

Sec. 256A(4). City tree board.

1. Definitions:

Street trees: "Street trees" are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the city.

Park trees: "Park trees" are herein defined as trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the city or to which the public has free access as a park.

- 2. *Creation and Establishment of a City Tree Board:* There is hereby created and established a city tree board for the City of Long Beach, New York, which shall consist of five (5) members, citizens and residents of this city, who shall be appointed by the [City Manager] **City Council**.
- 3. *Term of Office:* The term of the five (5) persons to be appointed by the [City Manager] **City Council** shall be three (3) years except that the term of two (2) of the members appointed to the first board shall be for only one (1) year and the term of two (2) members of the first board shall be for two (2) years. In the event that a vacancy shall occur during the term of any member, his/her successor shall be appointed for the unexpired portion of term.

...

- 19. *Review by [City Manager]City Council:* The [City Manager]**City Council** shall have the right to review the conduct, acts and decisions of the city tree board. Any person may appeal from any ruling or order of the city tree board to the[City Manager] **City Council**, who may hear the matter and make final decision.”

...

CHARTER AND RELATED LAWS

ARTICLE 13. MISCELLANEOUS PROVISIONS

Sec. 264. Issuance and service of summonses.

Subsection 264.2. *Authority of other enumerated city officials to issue and serve summonses.* Notwithstanding any provisions of the Uniform District Court Act and Article 12 of the city charter, or any other provision contained in the Municipal Code, the following officials, officers, employees and personnel of the City of Long Beach shall have the power to issue and

serve, within the City of Long Beach, summonses in cases arising in connection with the performance of their duties. Such service shall have the same force and effect as if served by a peace officer without their being a peace officer:

(A) Animal shelter:

- (a) Humane commissioner.
- (b) Dog warden.
- (c) Assistant dog warden.

(B) Department of public works:

- 1) Deputy commissioner of public works.
- 2) Division of sanitary services.
 - (a) Superintendent of operations.
 - (b) Supervisor of sanitation department.
 - (c) Collection foreman of the sanitation department.
 - (d) Supervisor of plant maintenance--Sewage treatment plant.
 - (e) Such foremen in the sanitation department as the superintendent of operations shall designate.
- 3) Division of highways.
 - (a) Supervisor of highways and street maintenance department.
- 4) Division of beaches.
 - (a) Superintendent of beach maintenance.

(C) Building department:

- (a) Building commissioner.
- (b) Plumbing inspector.
- (c) Sanitation inspector.
- (d) Such building inspectors as the building commissioner shall designate.

(D) Fire department: Such fire inspectors as the fire commissioner shall designate.

(E) Designees of the *[City Manager]* **City Council**: Such other officials, officers, employees and personnel of the City of Long Beach as the *[City Manager]* **City Council** shall designate.”

...

“ARTICLE 15. DEPARTMENT OF BUILDINGS AND PROPERTY CONSERVATION

Part B Bureau of Buildings

Sec. 296. Director of buildings.

There shall be a bureau of buildings, the head of which shall be appointed by and removed at the pleasure of the *[City Manager]* **City Council**. He/she shall assist the commissioner in enforcing provisions of laws, ordinances, rules and regulations relating to new construction, and shall perform such additional duties and responsibilities as may be delegated to him/her by the commissioner or specifically provided by law.”

...

“ARTICLE 15. DEPARTMENT OF BUILDINGS AND PROPERTY CONSERVATION

Sec. 298. Director of property conservation.

There shall be a bureau of property conservation, the head of which shall be appointed by and removed at the pleasure of the *[City Manager]* **City Council**. He/she shall assist the commissioner in enforcing provisions of laws, ordinances, rules and regulations relating to new construction, and shall perform such additional duties and responsibilities as may be delegated to him/her by the commissioner or specifically provided by law.”

...

“ARTICLE 17. ENVIRONMENTAL QUALITY REVIEW ACT

Sec. 330. Environmental Quality Review Act.

7. Environmental Review Procedures.

a. *Environmental Administration.* The *[City Manager]* **City Council** shall appoint an Environmental Administrator who shall be delegated the authority to coordinate among City agencies the procedures of the New York State Environmental Quality Review Act. The appointment must be made in writing and filed with the City Clerk. In the absence of any such appointment by the *[City Manager]***City Council**, the Planning Director or Building Commissioner of the City shall be appointed to serve as the Environmental Administrator.”

...

Sec. 2. This Local Law shall take effect immediately upon being filed in the Office of the New York Secretary of State.

February 4, 2020

Item No. 5
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing Publication for Hearing of an
Ordinance to Amend the Code of Ordinances of the City
of Long Beach Re: City Manager.

WHEREAS, there has been presented to this Council the following proposed
Ordinance:

“ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF LONG BEACH RE: CITY MANAGER.”
(See Ordinance Attached)

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York, that the
City Clerk shall cause to be published in the official newspaper of the City of Long Beach the
title, and a summary or the full text of said Ordinance; and be it further

RESOLVED, that said Ordinance shall be on the calendar for public hearing at a
meeting of the City Council to be held at City Hall, 1 West Chester Street, Long Beach, New
York, on February 18, 2020 at 7:00 p.m. on that day.

ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF LONG BEACH RE: CITY MANAGER.

BE IT ENACTED, by the City Council of the City of Long Beach, New York, as follows:

Sec.1. Chapter 2, Article III, Sections 2-60, 2-65, 2-75; Article IV, Section 2-88; Article VII, Sections 2-171,2-172, 2-174, 2-190, 2-203, 2-204, 2-206, 2-207, 2-230, 2-231, 2-235, 2-240 and 2-241; Chapter7, Article II, Division 2, Sections 7-26, 7-27; Article XIV, Section 7-251; and Chapter 15, Article II, Division 1, Section 15-27; Division 5, Section 15-84 and Division 6, Section 15-92 of the Code of Ordinances of the City of Long Beach, as heretofore amended, shall be and the same are hereby amended, to read as follows:

“CHAPTER 2 - ADMINISTRATION

ARTICLE III. CITY DEPARTMENTS, DIVISIONS AND OFFICERS GENERALLY

Sec. 2-60. Publicity director.

A publicity director may be appointed by the *[City Manager]* **City Council** whose salary shall be fixed by the **City Council**.”

...

“CHAPTER 2: ADMINISTRATION

ARTICLE III. CITY DEPARTMENTS, DIVISIONS AND OFFICERS GENERALLY

Sec. 2-65. Appointment of city clerk and deputy city clerk.

The city clerk and a deputy city clerk shall be appointed by the *[City Manager]* **City Council** pursuant to section 11 of the Charter of the City of Long Beach.

The deputy city clerk shall have all of the duties, obligations, powers, authority and immunities of the city clerk during the absence or disability of the city clerk.”

...

“CHAPTER 2: ADMINISTRATION

ARTICLE III. CITY DEPARTMENTS, DIVISIONS AND OFFICERS GENERALLY

Sec. 2-75. Office created; appointment.

There is hereby created the office of police surgeon and city physician, who shall be appointed by the *[City Manager]* **City Council** pursuant to the rules of civil service.”

...

“CHAPTER 2: ADMINISTRATION

ARTICLE IV. PURCHASING

Sec. 2-88. Designation of purchasing agent.

The *[City Manager]* **City Council** may designate a city employee to act as purchasing agent for the city.”

“CHAPTER 2 - ADMINISTRATION

ARTICLE VII. BOARDS AND COMMISSIONS GENERALLY

Sec. 2-171. Composition; designation of chairman.

The commission on human rights shall consist of not more than fifteen (15) members. The *[City Manager]* **City Council** shall designate one (1) of the members to be chairman and he/she shall serve as chairman at the pleasure of the *[City Manager]* **City Council**.”

...

“CHAPTER 2 - ADMINISTRATION

ARTICLE VII. BOARDS AND COMMISSIONS GENERALLY

Sec. 2-172. Appointment and terms of members; filling vacancies.

- (a) The *[City Manager]* **City Council** shall appoint the members of the commission on human rights. In making appointments to the commission on human rights, the *[City Manager]* **City Council** shall take into consideration the various religious, racial, national, and political groups in the community.
- (b) Of the members of the commission on human rights first appointed, five (5) shall be appointed for terms of office of one (1) year, five (5) shall be appointed for terms of office of two (2) years and five (5) for terms of office of three (3) years each. Thereafter, all appointments, except to fill vacancies, shall be for terms of office of three (3) years each. Vacancies occurring otherwise than by expiration of terms of office shall be filled for the unexpired terms of the offices so filled.”

...

“CHAPTER 2 - ADMINISTRATION

ARTICLE VII. BOARDS AND COMMISSIONS GENERALLY

Sec. 2-174. Personnel.

The *[City Manager]* **City Council** shall have the power and authority subject to applicable civil service requirements to employ an executive director, a secretary and such attorneys, experts and other employees as may be necessary for the proper operation of the commission on human rights, within the amount made available by the **City Council**.”

...

“CHAPTER 2 - ADMINISTRATION

ARTICLE VII. BOARDS AND COMMISSIONS GENERALLY

Sec. 2-190. Creation, composition, and administration.

- (a) There is hereby created and established a Long Beach Advisory Board for Seniors.
- (b) The advisory board for seniors shall be comprised of nine (9) members who shall be appointed by the *[City Manager, with the advice of the city council]* **City Council**, and each of such members shall hold office at the pleasure of the *[City Manager]* **City Council**. No member of the board shall receive any salary or other remuneration for his services. The chairperson of the board shall be selected by a majority vote of the members.
- [(c) The chairperson, with the advice of the other members of the board, may promulgate, adopt, amend or rescind rules and regulations necessary to carry out the provisions of this division.]”*

...

“CHAPTER 2 - ADMINISTRATION

ARTICLE VII. BOARDS AND COMMISSIONS GENERALLY

Sec 2-203. Organization of youth bureau.

- (a) The youth bureau shall consist of a youth board, executive director and whatever staff personnel the youth board deems necessary to accomplish the objectives of the youth bureau. The City of Long Beach Youth Board shall consist of persons representing the fields of education, law enforcement, mental hygiene, judiciary, welfare, business, recreation and youth organizations, who shall be appointed by the *[City Manager]* **City Council**. The board, in fulfilling its obligations to the youth bureau, shall advise and assist community groups devoted in whole or in part to youth, administer youth programs at the request of the youth bureau, and recommend legislation. The executive director shall be the executive secretary of the board. The executive secretary shall have no vote in the official deliberations of the board, but shall administer to its needs and requirements in the fulfillment of its obligations to the youth bureau.”

...

“CHAPTER 2 - ADMINISTRATION

ARTICLE VII. BOARDS AND COMMISSIONS GENERALLY

Sec. 2-204. Composition of youth board.

- (a) The board shall consist of a minimum of fifteen (15) members and a maximum of twenty-eight (28) adults and youth who shall be appointed by the *[City Manager]* **City Council** of the City of Long Beach.
- (b) One member of the board shall be designated as chairperson for a specified term by the *[City Manager]* **City Council**.
- (c) Officers other than the chairperson shall be elected from and by the board.
- (d) Officers of the board shall not be considered employees of the City of Long Beach for any reason whatsoever.”

“CHAPTER 2 - ADMINISTRATION

ARTICLE VII. BOARDS AND COMMISSIONS GENERALLY

Sec. 2-206. Vacancies and removals.

- (a) Any member of the board appointed to fill a vacancy occurring otherwise than by expiration of term shall be appointed by the *[City Manager]* **City Council** for the remainder of the unexpired term of the member replaced.
- (b) The *[City Manager]* **City Council** may remove any member of the board for cause.
- (c) If a member of the board is absent from three (3) consecutive scheduled (not special) meetings, and not excused by the chairperson of the board, the board shall declare his or her position vacant.”

...

“CHAPTER 2 - ADMINISTRATION

ARTICLE VII. BOARDS AND COMMISSIONS GENERALLY

Sec. 2-207. Personnel.

The board may recommend to the *[City Manager]* **City Council** employment of personnel, who shall be responsible to the executive director of the youth bureau. The *[City Manager]* **City Council** shall make appointments to the staff of the youth bureau after consultation with the youth board and the executive director.”

...

“CHAPTER 2 - ADMINISTRATION

ARTICLE VII. BOARDS AND COMMISSIONS GENERALLY

Sec. 2-230. Creation; composition and designation of chairperson.

There is hereby established a housing and property rehabilitation and conservation advisory commission, which shall consist of not more than nine (9) members. The *[City Manager]* **City Council** shall appoint the members of the commission and shall designate one of the members so appointed to serve as chairperson. The member designated as chairperson shall serve as chairperson at the pleasure of the *[City Manager]* **City Council.**”

...

“CHAPTER 2 - ADMINISTRATION

ARTICLE VII. BOARDS AND COMMISSIONS GENERALLY

Sec. 2-231. Terms of members; filling vacancies.

The members of the commission shall be appointed for a term of two (2) years and shall serve without salary. In the event that a vacancy occurs other than by the expiration of a term of office, the *[City Manager]* **City Council** may appoint a member to the commission to serve for the duration of the unexpired term.”

“CHAPTER 2 - ADMINISTRATION

ARTICLE VII. BOARDS AND COMMISSIONS GENERALLY

Sec. 2-235. Creation, composition and administration.

(a) There is hereby created and established a Long Beach Environmental Advisory Board.

(b) The Environmental Advisory Board shall be comprised of seven (7) members who shall be appointed by the *[City Manager]* **City Council** and each of such members shall hold office at the pleasure of the *[City Manager]* **City Council**. No member of the board shall receive any salary or other remuneration for his or her services. The chairperson of the board shall be selected by the *[City Manager]* **City Council**.”

...

“CHAPTER 2 - ADMINISTRATION

ARTICLE VII. BOARDS AND COMMISSIONS GENERALLY

Sec. 2-240. Creation, composition and administration.

(b) The Public Safety Commission shall be comprised of eight (8) members who shall be appointed by the *[City Manager]* **City Council**, and each of such members shall hold office at the pleasure of the *[City Manager]* **City Council**. The members of the commission shall consist of six (6) residents and two (2) employees of the City. The chairperson of the commission shall be selected by the *[City Manager]* **City Council**.”

...

“CHAPTER 2 - ADMINISTRATION

ARTICLE VII. BOARDS AND COMMISSIONS GENERALLY

Sec 2-241. Term of members filling vacancies.

The members of the commission shall be appointed for a term of two (2) years and shall serve without salary. In the event that a vacancy occurs other than by the expiration of a term of office, the *[City Manager]* **City Council** may appoint a member to the commission to serve for the duration of the unexpired term.”

...

“CHAPTER 7 – BUILDING CODE

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

DIVISION 2. BUILDING DEPARTMENT

Sec. 7-26. Office of building commissioner created; appointment.

There is hereby created the office of building commissioner who shall be appointed by the *[City Manager]* **City Council**.”

...

**“CHAPTER 7 – BUILDING CODE
ARTICLE II. ADMINISTRATION AND ENFORCEMENT
DIVISION 2. BUILDING DEPARTMENT**

Sec. 7-27. Qualifications of commissioner; removal; compensation.

No person shall be eligible for appointment as building commissioner who is not a citizen of the United States and a resident of the city. The commissioner may be removed by the *[City Manager]* **City Council** at any time without cause assigned. The compensation of the commissioner shall be fixed by the City Council.”

...

**“CHAPTER 7 – BUILDING CODE
ARTICLE XIV. BOARD OF ARCHITECTURAL REVIEW
Sec. 7-251. Creation of board**

(a) There is hereby created a board of architectural review which shall be comprised of all the members of the City Council of the city. The city manager may appoint, to aid it in its review of plans submitted for approval, the following:

- (1) Two (2) duly licensed architects who shall act as architectural consultants.
 - (2) Three (3) citizens of the City of Long Beach, to act as lay consultants.
- (b) All appointees under this section shall serve at the will of the *[City Manager]* **City Council.**” ...

...

**“CHAPTER 15 – MOTOR VEHICLES AND TRAFFIC
ARTICLE II. ADMINISTRATION AND ENFORCEMENT
DIVISION 1. GENERALLY**

Sec. 15-27. Authority of peace officers and crossing guards to direct traffic.

Peace officers duly appointed by the *[City Manager]* **City Council** and school crossing guards are authorized to direct traffic and safeguard pedestrians.”

...

**“CHAPTER 15 – MOTOR VEHICLES AND TRAFFIC
ARTICLE II. ADMINISTRATION AND ENFORCEMENT
DIVISION 5. TRAFFIC COMMISSION**

Sec. 15-84 Established; composition and organization.

There is hereby established a traffic commission, the members of which shall serve without compensation, consisting of the city manager, the commissioner of public safety or, in his discretion as his representative, the chief of the traffic division, the chairman of the City Council traffic committee, and one (1) representative each from the city engineer’s office and the corporation counsel’s office, and such number of other city officers and representatives of unofficial bodies as may be determined and appointed by the *[City Manager]* **City Council**. The chairman of the commission shall be appointed by the *[City Manager]* **City Council** and may be removed by the *[him.]* **City Council.**”

**“CHAPTER 15 – MOTOR VEHICLES AND TRAFFIC
ARTICLE II. ADMINISTRATION AND ENFORCEMENT
DIVISION 6. PARKING COMMISSION**

Sec. 15-92 Created; composition.

There shall be a parking commission consisting of five (5) members appointed by the
[City Manager] **City Council**, to serve without compensation.”

Sec. 2. This Ordinance shall take effect immediately.